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in for Lawyers

What you Need to Know Now

PLI PRACTISING LAW INSTITUTE

Nathan Aaron Rosen October 17, 2018

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Top 6 LinkedIn Tips

1. Create a compelling profile
2. Customize settings
3. Connect to people you know
4. Contribute information
5. Congratulate other people's successes
6. Commit to daily progress

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Create a compelling profile

Visual images

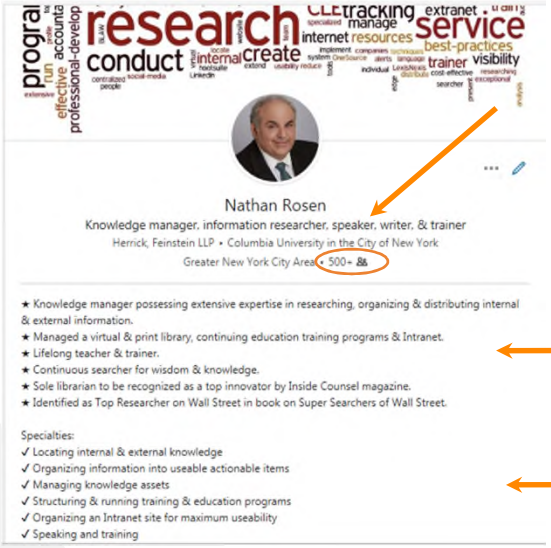
Chronicle your accomplishments

Personalize your URL

Speak in 1st person

5

Create a compelling profile



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Create a compelling profile

Key Career Achievements:

• Herrick, Feinstein LLP - Contributed to the development of an Accounting Policy & Procedure Handbook while continually improving processes in the department through streamlining and automation.

• Cosmetics Plus - Introduced a series of process improvements that captured substantial gains in efficiency, productivity, and operational effectiveness; led the automation of accounting processes and designed the retail inventory system.

• Pricecellular Corporation - Worked with divisional controllers to review and analyze operational results on a monthly basis; responsible for internal and external financial reports.

• Highly focused, motivated and experienced hands-on leader, with demonstrated achievements contributing to superior corporate performance through expert alignment of financial initiatives and operational goals with corporate objectives; recognized as an observant and diligent professional capable of identifying and resolving discrepancies.

• Consistent track record of significant achievements in finance, operations management, and process improvements with collaborative relationships with multiple departments.

• Energetic decision-maker and problem-solver focused on developing effective financial solutions and driving enterprise execution and accountability for results while ensuring the continuous delivery of enhanced profitability.

• Synthesizes, reviews, and analyzes complex data, contributing insight to enhance the executive decision-making process.

Core Skills & Competencies:

- Corporate Financial Leadership
- Financial Planning & Analysis
- Enterprise-Wide Operations
- Budget Development
- Financial Risk Management
- Advisor to Leadership
- Expense Control
- Reporting and Forecasting
- Process Improvements
- Internal Controls
- Attention to Detail
- Team Leadership
- Revenue Growth
- Profitability Improvement
- Problem Solver

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Create a compelling profile

He has helped impact the law in New York relating to fiduciary duties, public procurement, real estate, separation of Church and State and Hate Crimes by winning cases in the New York Court of Appeals, the Appellate Divisions of the New York State Supreme Court and federal and state trial courts and by helping lead the Anti-Defamation League's lobbying effort to enact Hate Crimes legislation in New York. For approximately 30 years, he has served on the Board of Editors of the New York Law Journal and has authored its weekly "Realty Law Digest" column.

His practice areas include general commercial litigation (breach of contract, real estate, securities, fiduciary duties, partnerships, lender liabilities, anti-trust), appellate practice, alternative dispute resolution (ADR), governmental relations and government investigations.

Scott advises major corporations, business executives, real estate owners and developers, commercial and retail tenants, investors and lending institutions. He has advised several government agencies, public officials and families of public officials.

He has lectured before judges and court attorneys at continuing legal education programs sponsored by the New York State Office of Court Administration and the Appellate Terms for the 1st and 2nd Judicial Departments. He has also lectured for the New York Federal Bar Council, the Practicing Law Institute, the Association of the Bar of the City of New York, New York County Lawyers Association, Brooklyn Bar Association, the Suffolk County Bar Association and the New York Guard; and has served as an Adjunct Professor at St. John's University School of Law where he taught Alternate Dispute Resolution. Scott has served as a Vice-Chairperson of the New York Regional Board and served on the Executive Committee of the Lawyer's Division of the Anti-Defamation League.

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Part of Summary Background

Contact and Personal Info

Your Profile
linkedin.com/in/nathanrosen

Website
plus.google.com/+NathanRosenNY
(Personal Website)

Twitter
nathanrosen

IM
nathanrosen (Skype)

Personal URL

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WARNING - areas of possible problems

- Do you need to add "attorney advertising notice" in the Summary section?
- What type of notice is sufficient?

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LinkedIn profile constitutes attorney advertising if:

1. It is a communication made by or on behalf of the lawyer;
2. The primary purpose of the LinkedIn content is to attract new clients to retain the lawyer for pecuniary gain;
3. The LinkedIn content relates to the legal services offered by the lawyer;
4. The LinkedIn content is intended to be viewed by potential new clients;
5. The LinkedIn content does not fall within any recognized exception to the definition of attorney advertising.

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If LinkedIn profile meets the definition of attorney advertising, then must comply:

1. Label the LinkedIn content “Attorney Advertising”;
2. Include name, principal law office address and telephone number of the lawyer;
3. Pre-approve any content posted on LinkedIn;
4. Preserve a copy for at least one year;
5. Refrain from false, deceptive or misleading statements.

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References

- Profile considered attorney advertising if meet all of five criteria - New York City Bar Committee on Professional Ethics Opinion 2015-7 (Dec 2015).
- Lists information expressly permitted - New York City Bar Committee on Professional Ethics Opinion 2015-7 (Dec 2015)
- Should include appropriate disclaimer under Rule 7.1 if include description of areas of practice or certain skills or endorsements as might be considered “Attorney Advertising” and “Prior results do not guarantee a similar outcome” - New York County Lawyers Association 2015 Opinion 748. See also DC Bar Ethics Opinion 370: Social Media I: Marketing and Personal Use (Nov 2016).
- Avoid identifying yourself as specialist unless certified.
- Do not disclose any confidential client info, do not identify clients as clients without express permission, and not provide any specific legal advice.
- Remember that communications do not stop at state boundaries and may be subject to regulation in other jurisdictions. DC Bar Ethics Opinion 370: Social Media I: Marketing and Personal Use (Nov 2016).
- Disclaimer should be used if profile includes statements likely to create expectations about results, statements comparing services with other, testimonials or endorsements of clients, or statements describing quality of services. “Prior results do not guarantee a similar outcome.”

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Sample Language

[ATTORNEY ADVERTISING. Prior results do not guaranty a similar outcome.]

The information contained in this LinkedIn profile is for informational purposes only and does not constitute legal advice. Transmission and/or receipt of these materials do not constitute an attorney-client relationship between the sender and receiver. This LinkedIn profile may be considered attorney advertising under the rules of some states. Prior results are based on the merits of the case and do not guarantee a similar outcome. ATTORNEY ADVERTISING.

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Professional Memberships

Co-Chair IP Affinity Group
Forham Law School
2017 – 2018 • 1 yr
NYC

NY Chapter Co-Chair
The Copyright Society of the USA
2017 – 2018 • 1 yr

Member, Former Chair
NYC Bar Copyright & Literary Property Committee
2009 – 2018 • 9 yrs

Former Chair, 2010 - 2013

Member (Bulletin Committee)
International Trademark Association (INTA)
2004 – 2018 • 14 yrs

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LinkedIn Makeover: Headline Generator

Humorous value only

www.linkedin-makeover.com/linkedin-headline-generator/

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Accomplishments, successes & achievements

Manager of Professional Development and Recruitment
Herrick, Feinstein LLP
Jun 2017 – Present • 1 yr 2 mos
New York, New York

Manage planning, coordination, administration, and implementation of all Professional Development programs and oversee attorney legal recruitment. Responsible for ensuring Firm policies are current and drafting new policies as needed. Coordinate and/or recommend practice group focused training programs: create and run First Year Associate orientation program. Administer and work closely with department chairs on counsel and associate review and compensation processes. Primary responsibility for staffing assignments for the litigation department. Manage lateral attorney recruiting. Perform exit interviews with all departing associates and counsel. Work with committee co-chairs to run the Diversity, Mentoring, and Pro Bono Committees and their underlying programs and training. Serve as an advisor for associates. Manage human resources coordinator to coordinate the Firm's CLE programs and ensure compliance with all CLE requirements for internal programs. Complete and/or take an active role in completing RFPs, Firm Surveys, and Firm Insurance applications. Take active role in several Firm committees (e.g., Hiring, Best Practices, Associate Life) to work on initiatives, analysis, strategies, and administrative matters. Maintain an understanding of available products and programs, services and tools, processes and procedures, and best practices. Establish and manage Professional Development budget and expenses.

Manager of Professional Development
Herrick, Feinstein LLP
Jul 2008 – Present • 10 yrs 1 mo

Manage planning, coordination, administration, and implementation of all Professional Development programs. Responsible for ensuring Firm policies are current and drafting new policies as needed. Coordinate and/or recommend practice group focused training programs: create and run First Year Associate orientation program. Administer and work closely with department chairs on counsel and associate review and compensation processes. Primary responsibility for staffing assignments for the litigation department. Perform exit interviews with all departing associates and counsel. Work with committee co-chairs to run the Diversity, Mentoring, and Pro Bono Committees and their underlying programs and training. Serve as an advisor for associates. Manage human resources coordinator to coordinate the Firm's CLE programs and ensure compliance with all CLE requirements for internal programs. Complete and/or take an active role in completing RFPs, Firm Surveys, and Firm Insurance applications. Take active role in several Firm committees (e.g., Hiring, Best Practices, Associate Life) to work on initiatives, analysis, strategies, and administrative matters. Maintain an understanding of available products and programs, services and tools, processes and procedures, and best practices. Establish and manage Professional Development budget and expenses.

Accomplishments, successes and achievements in prior positions

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Example

Education

Columbia University in the City of New York
MS, Library Services
1963 – 1964
Activities and Societies: Beta Phi Mu - Library Honor Society

Media (1)

Columbia University Butler Library

University of Missouri-Kansas City School of Law
JD, Law
1977 – 1979
Activities and Societies: Top Oralist in the Ellison Moot Court Competition & member of the U.M.K.C. Moot Court Team. Law School newspaper writer & editor. Phi Alpha Delta

Media (1)

UMKC School of Law

University of Missouri-Kansas City
BA, Psychology
1973 – 1977
Activities and Societies: " University Scholar " Dean of Students Honoree & Psychology Department Honoree " Phi Kappa Phi - National College Scholastic Honor Society " Debate Squad & national traveling squad

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Example

62 **Projects**
Do You Really Know Who You're Working With? • NJ Judge Moves Fruit Snacks Class Action Across the River • Perrin's Food & Beverage Litigation Conference: A Look at Hospitality, Liquor and Food Liability • Welch Foods Wins Motion to Move Deceptive Marketing Case to New York • Genetics in Litigation • GMA Legal Conference 2017 • Strategic Use of Joint Defense Agreements in Litigation: Avoiding Disqualification and Privilege Waivers • Campbell Soup Attorney Dishes Out Food Law Expertise to Students • Fermentation and the First Amendment • ICSC U.S. Shopping Center Law Conference...

36 **Publications**
How the European Union's New General Data Protection Regulation Will Impact U.S. Business that Target EU Consumers • Product Liablity Law & Strategy: Challenges to the Admissibility of Evidence in the "Omics" Era • Recent Equifax Breach Highlights the Importnance of Enterprise Cybersecurity Planning • Avoiding the Hazards of Acquisition: Due Diligence in the Merger or Acquisition of a Product Manufacturer • New York Department of Financial Services to Soon Require Extensive Cyber Security Program • So You Want to Buy a Food Company? Mind the 3 Ps • The Four Commandments of Food Litigation • Minority Partners Risk Huge Losses When Wrongfully Dissolving a Partnership • How Food Companies Can Reduce Legal Costs • Electronic Cigarettes: Where There's Smoke, There's Litigation...

7 **Honors & Awards**
Chambers USA Ranking Leading Individual • Chambers USA Ranking Leading Individual • BTI Consulting's Client Service All-Star • Boris Kostelanetz President's Medal • Ellen Glesby Cohen Leadership Award • Commercial Litigation Department of the Year Finalist • Inspirational Honoree

6 **Organizations**
New Jersey Lawsuit Reform Alliance • New York State Bar Association • New York State Bar Association • Product Liability Advisory Council, Inc. • Rutgers University Cancer Institute of New Jersey • Rutgers University New Jersey Institute for Food, Nutrition and Health

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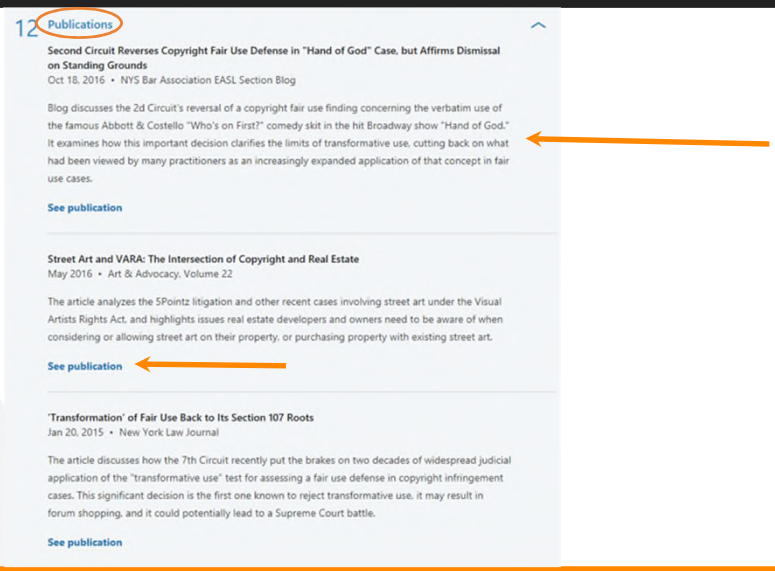
Example


12 Publications

Second Circuit Reverses Copyright Fair Use Defense in "Hand of God" Case, but Affirms Dismissal on Standing Grounds
Oct 18, 2016 • NYS Bar Association EASL Section Blog

Blog discusses the 2d Circuit's reversal of a copyright fair use finding concerning the verbatim use of the famous Abbott & Costello "Who's on First?" comedy skit in the hit Broadway show "Hand of God." It examines how this important decision clarifies the limits of transformative use, cutting back on what had been viewed by many practitioners as an increasingly expanded application of that concept in fair use cases.

See publication

Street Art and VARA: The Intersection of Copyright and Real Estate
May 2016 • Art & Advocacy, Volume 22

The article analyzes the 5Pointz litigation and other recent cases involving street art under the Visual Artists Rights Act, and highlights issues real estate developers and owners need to be aware of when considering or allowing street art on their property, or purchasing property with existing street art.

See publication

'Transformation' of Fair Use Back to Its Section 107 Roots
Jan 20, 2015 • New York Law Journal

The article discusses how the 7th Circuit recently put the brakes on two decades of widespread judicial application of the "transformative use" test for assessing a fair use defense in copyright infringement cases. This significant decision is the first one known to reject transformative use, it may result in forum shopping, and it could potentially lead to a Supreme Court battle.

See publication

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Uploading articles/presentations

1. Prepare **pdf** versions of the articles you would like to include or ppt versions of the PowerPoint presentations. Save them with filename that helps to clearly identify the article.
2. Sign up for **SlideShare** (www.slideshare.com).
3. **Upload your articles** as pdf or presentations as pdf or PowerPoint.
4. Add full title, tags, choose category and add useful search terms or citation **in the description field.**
5. When completed all uploading — go to top right icon of person - **My Uploads.** Locate the item you want to load on LinkedIn. Right click on item and then select Copy link.

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Uploading articles/presentations (continued)

1. **Sign in** to LinkedIn (www.linkedin.com)
2. From menu bar — Profiles — **Edit Profile** then choose
   a. Publications or
   b. Background — Summary
      I recommend Publications as Background Summary provides images and link to the full text while Publications provides citations and the link to the full text.
3. Click on **Add** (top right of Publications section or little rectangle in top right of Background - Summary section)
4. **Complete information** & Save
5. Go to top and click on **Done** editing button
6. **View item** - should have either "See publication" or a little right arrow at the end of the title which is the link to the full text. Click on the title to make sure that it opens

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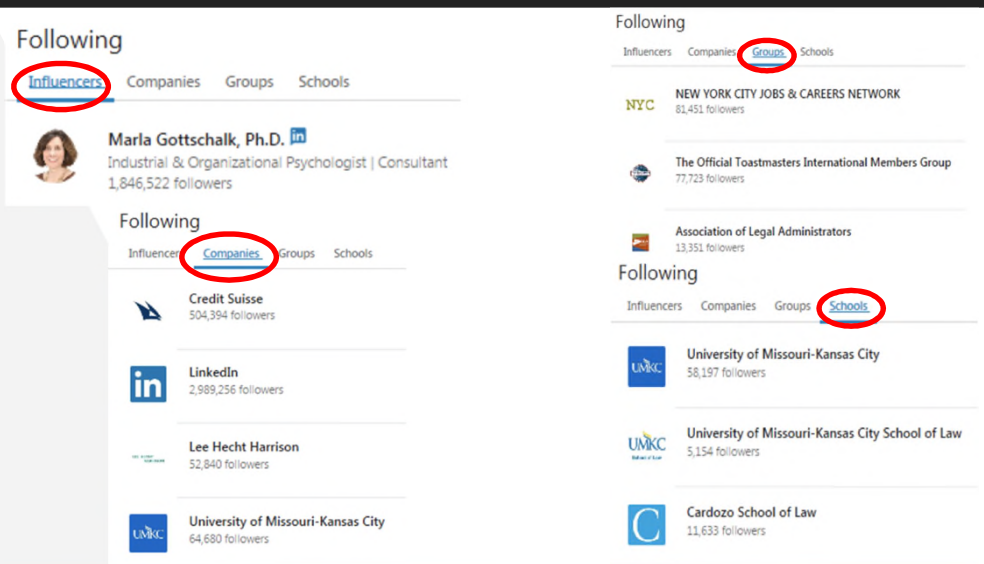
Who and what you are following



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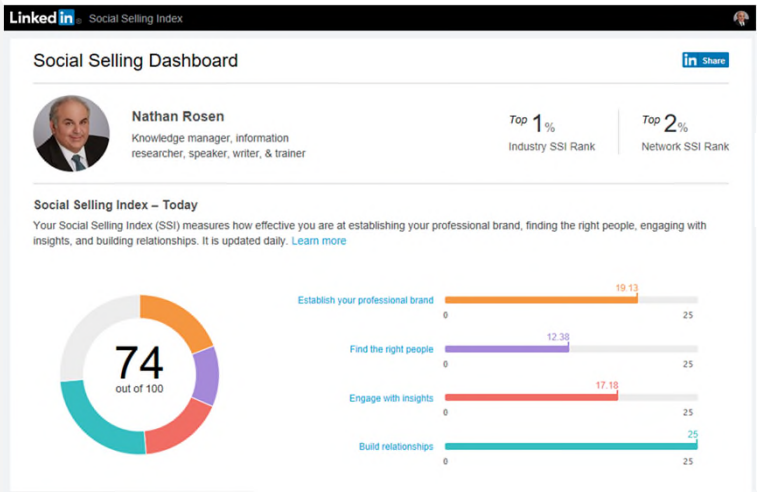
See how you are doing



Humorous value only

https://www.linkedin.com/sales/ssi

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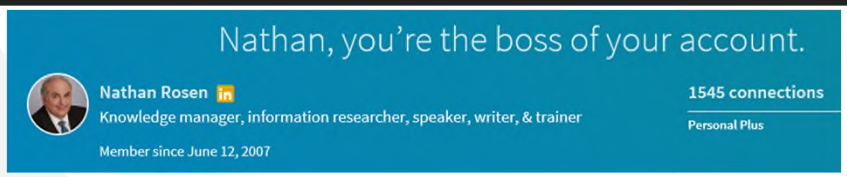
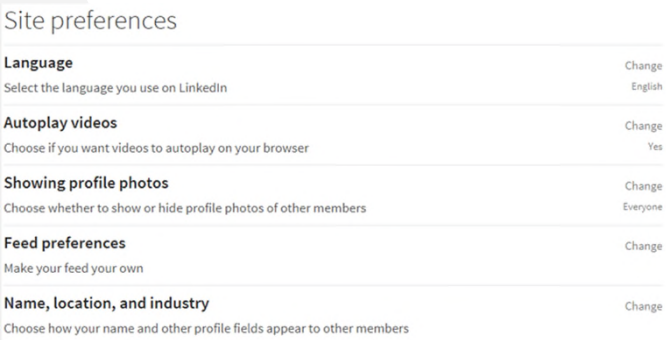
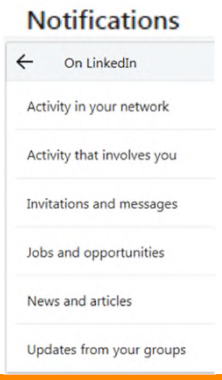
Customize Settings







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Settings - Key advanced topics

- Control what people know when you look at them
- Control who can see your email address
- Control who can see your connections
- Blocking, followers, & unfollowing
- Notifications
- Types of information
- Email frequency

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Examples

How others see your LinkedIn activity

Profile viewing options

Choose whether you're visible or viewing in private mode

Select what others see when you've viewed their profile

Your name and headline

Nathan Rosen
Knowledge manager, information researcher, speaker, writer, & trainer
New York, New York | Information Services

Private profile characteristics

Consultant in the Libraries industry from Greater New York City Area

Private mode

Anonymous LinkedIn Member

Browsing Profiles in Private and Semi-Private Mode

When you view a profile in private mode, you'll appear in that person's **Who's Viewed Your Profile** section as **LinkedIn Member - This person is viewing profiles in private mode.** No other information about you will be shared with the member whose profile you viewed. When you browse in semi-private mode, your profile characteristics such as job title, company, school, and industry will be shown to the member you are viewing (for example, Consultant at State Farm, Someone at Accenture, or Student at Cornell University).

To change your browsing mode:

1. Click the **Me** icon at the top of your LinkedIn homepage.
2. Select **Settings & Privacy** from the dropdown.
3. Click the **Privacy** tab at the top of the page.
4. Under the **How others see your LinkedIn activity** section, click **Change** next to **Profile viewing options.**
5. Select the mode you'd like to browse in. You have three options:
   - Your name and headline
   - Private profile characteristics (i.e. job title and current company)
   - Private mode

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Example

Account | Privacy | Ads

How others see your profile and network information
How others see your LinkedIn activity
How LinkedIn uses your data
Job seeking preferences
Blocking and hiding

engines or permitted services

Who can see your email address
Choose who can see your email address on your profile

Who can see nathan.rosen@rcn.com on your profile?
- Only you
- 1st-degree connections
- 1st and 2nd-degree connections
- Everyone on LinkedIn

You can control what email address is your primary in your email settings and learn more about how your email address is visible to other members on LinkedIn.

Who can see your connections Close
Choose who can see your list of connections Only you

Members will still be able to see connections who endorse you and connections they share with you. (Don't want your endorsements visible? Just choose to opt out) Learn more

Only you

Who can see your last name Close
Choose how you want your name to appear Full

Select how your last name will appear to others. Your full name is always visible to your connections.

Nathan Rosen
Knowledge manager, information researcher, speaker, writer, & trainer

Nathan R.
Knowledge manager, information researcher, speaker, writer, & trainer
(Hide your last name from people who aren't your connection)

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Example

Blocking and hiding

Followers
Choose who can follow you and see your public updates

Blocking
See your list, and make changes if you'd like

Unfollowed
See who you have unfollowed, and resume following if you'd like

Notifications on LinkedIn
You can control detailed settings for different types of notifications by clicking on the arrow below

Notifications on LinkedIn
Manage the alerts you receive in the Notifications tab

Email frequency
Choose what type of emails you wish to receive from LinkedIn. Please note that you cannot opt out messages, such as payment, security, or legal notifications. You can also set detailed frequency pref on the arrow next to each email type.

- [x] Invitations and messages
- [x] Jobs and opportunities
- [x] Activity in your network
- [x] Activity that involves you
- [x] News and articles
- [x] Updates from your groups
- [x] Offers and tips from LinkedIn

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Connect to people you know

People you know

- School or work
- Personal interests
- Professional associations

People you want to know

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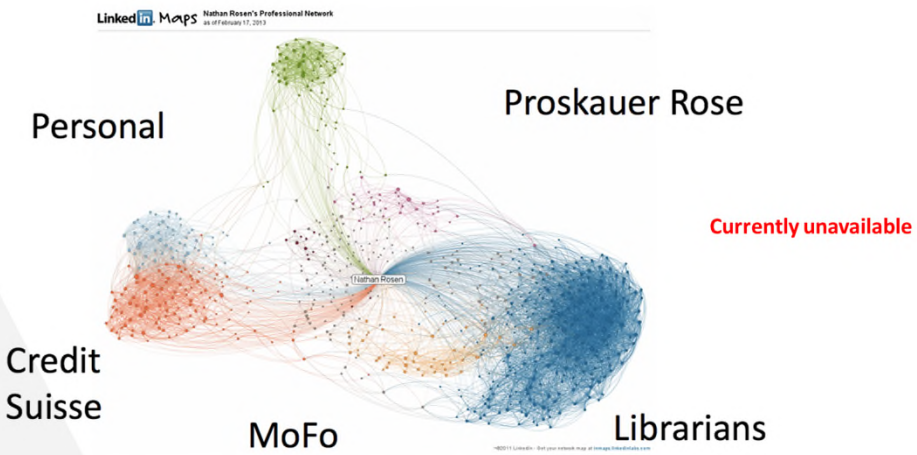
Your developing web



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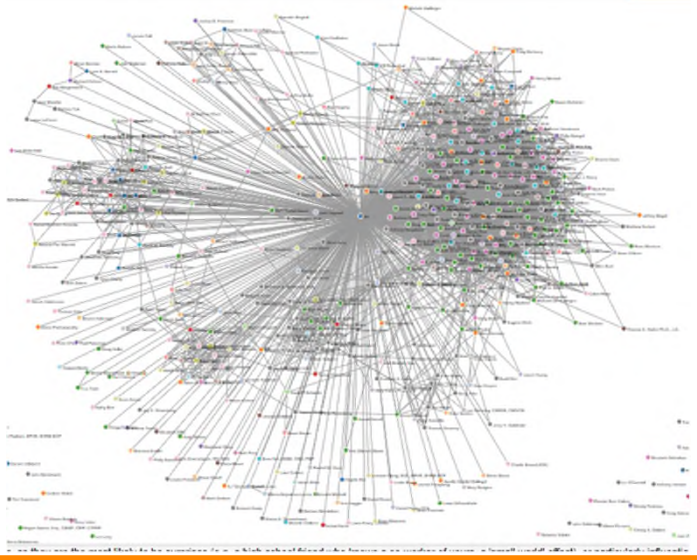
Socilab

LinkedIn Network Visualization & Analysis

(www.socilab.com)



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http://socilab.com/#about

Your Network Metrics:

Below is a list of measures for your egocentric network. The bar represents your percentile compared to other users. The **percentiles are more informative than the raw values**. Given that online networks are much larger and more disperse than those reported in network surveys, the raw values appear to be very low, as these measures were initially calibrated for smaller networks. The computed value is displayed under the bar with a brief interpretation. **Note: This tool is primarily for entertainment and educational purposes. We know that LinkedIn networks are only a subset of people's actual contacts, and that these links might not be as informative as other types of network data, so any inferences should be discounted appropriately.**

- **Absolute Size: 95.11%**

499; This is the total number of contacts you have. It is not as informative as your unique (or 'effective') ties. The quality of your network isn't just about the total number of people you know, but the information, opportunities, and social support they provide. These factors are correlated with the structure of the ties between your contacts, not just their raw number.

- **Effective Size: 73.18%**

437.2; This is the 'effective size' of your network. Not every contact counts the same or adds the same value to your network. Some ties are 'redundant' because you both know all of the same people. They are not necessarily giving you unique information. This measure controls for that fact and gives an estimate of the unique number of clusters you are connected to.

- **Network Constraint: 74.26%**

0.71/100; This is an index measure that describes the extent to which your network spans different groups (i.e. bridging structural holes) or is concentrated in one or two areas. As the number approaches 100, you are in a closed, or focused network. As it approaches 0, your network is more open/dispersed, indicating that you have more vision across social groups. Disconnected contacts may expose you to new information, but closure is required to develop a reputation or generate trust, among other things.

- **Density: 71.92%**

3.10/100; This is a percentage that represents the number of ties between your contacts divided by the total number of possible ties (i.e. how 'dense' or closed your network is). As the number approaches 100, it means that all of your contacts know each other. As it approaches 0, it means all of your contacts are disconnected from each other. Having a closed network can be good or bad depending on the task and social environment.

- **Hierarchy: 67.75%**

0.22/100; This number is a concentration index that represents how dependent you are on a few focal contacts. If all of your contacts know you through your boss or parent, then you have a 'hierarchical' network, and are dependent on them. This can work well in situations where you are considered an 'outsider' and need a strategic partner to get in the door, but is generally considered a handicap.

- **Betweenness: 74.70%**

112652.0; This number represents the number of structural holes, or bridging opportunities, to which you have exclusive access. You have exclusive access to a structural hole if you lie on the shortest path between two contacts in your network. If others in your network lie on an equidistant path between the two contacts, then you each own a proportional amount. This number is typically quite large, and is presented in raw form in order to emphasize the opportunities you have to move information between people in your network who don't know each other.

http://socilab.com/#about

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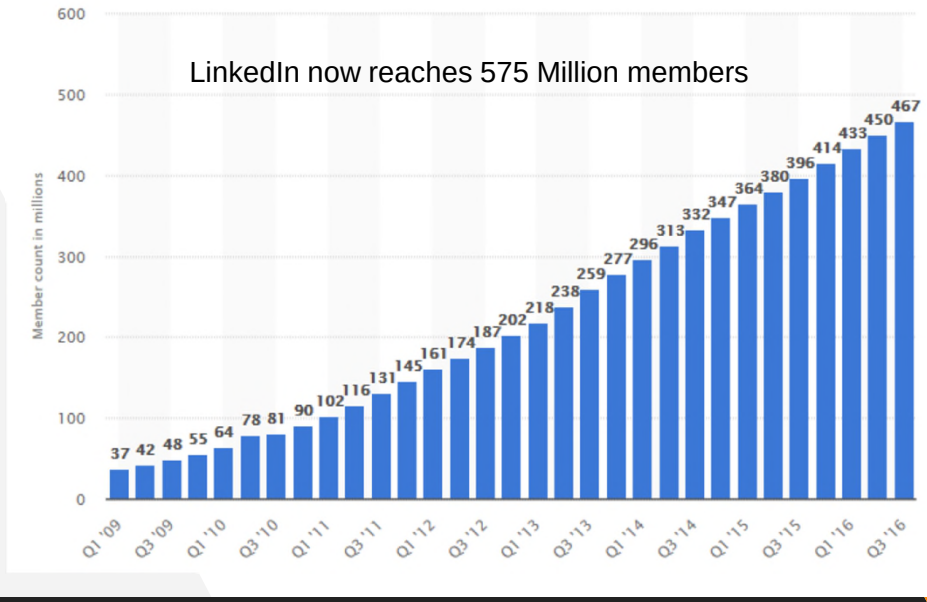

Millions of LinkedIn Members (2009 - 2016)

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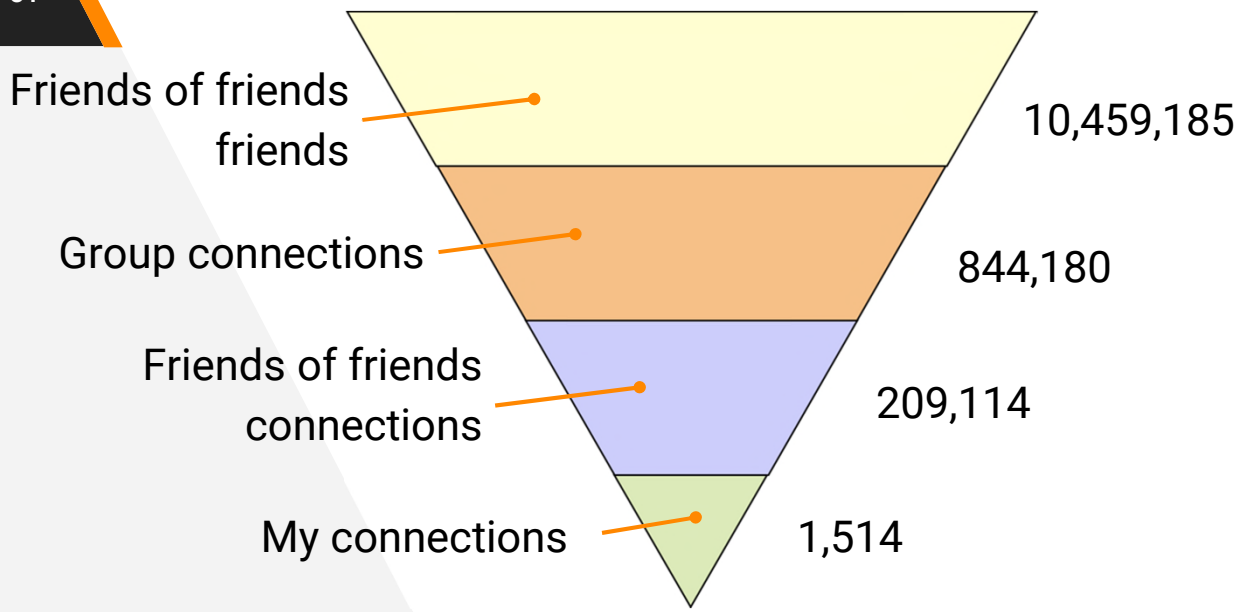

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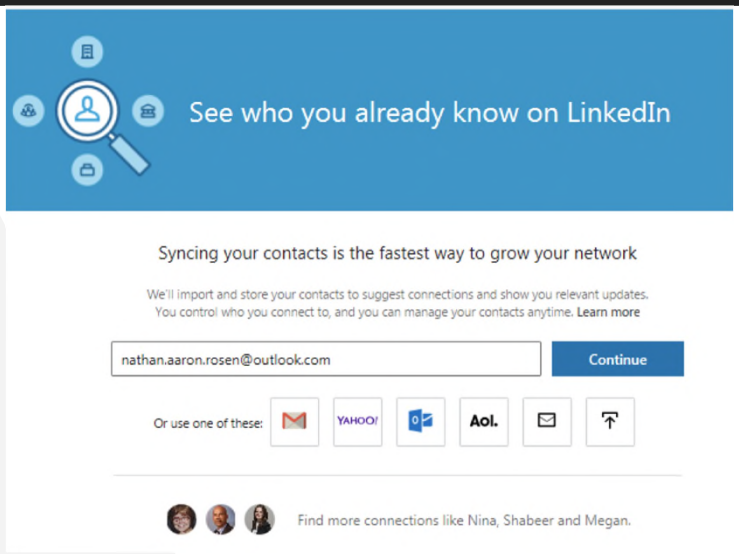
Reach out and connect



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WARNING – Areas of possible problems

- Is the person you want to connect to a possible problem?
- Is your current representation an issue regarding LinkedIn connecting?

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References

- Can invite others to view your profile being mindful of traditional ethical restrictions relating to solicitation. Guideline 1.C - New York State Bar Association Commercial & Federal Litigation Sections, Social Media Ethics Guidelines (May 11, 2017)
- No contacting represented person to gain access to restricted/private part of their profile but can request person of unrepresented person as long as use full name and accurate profile. New York State Bar Association Commercial & Federal Litigation Sections, Social Media Ethics Guidelines (May 11, 2017)
- Care to protect attorney's clients via access to your LinkedIn connections. DC Bar Ethics Opinion 370: Social Media I: Marketing and Personal Use (Nov 2016)

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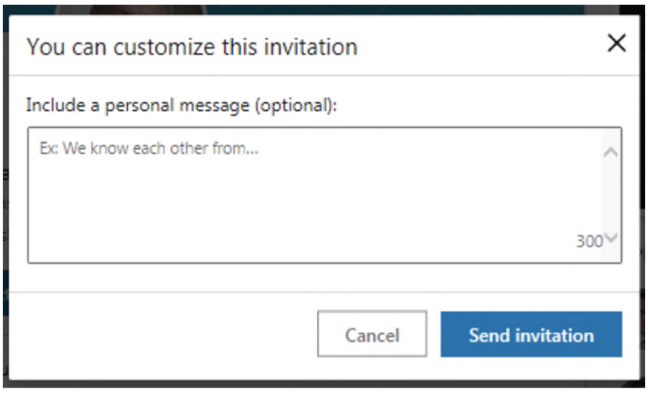
Personalize your request

5 Ps

- Polite
- Pertinent
- Personalized
- Professional
- Praiseful



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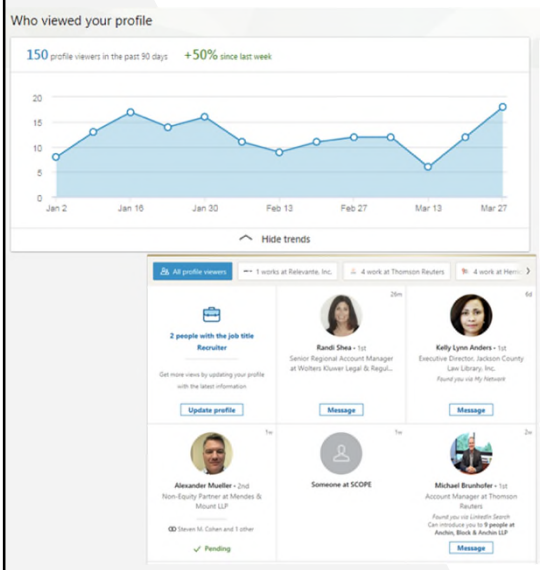
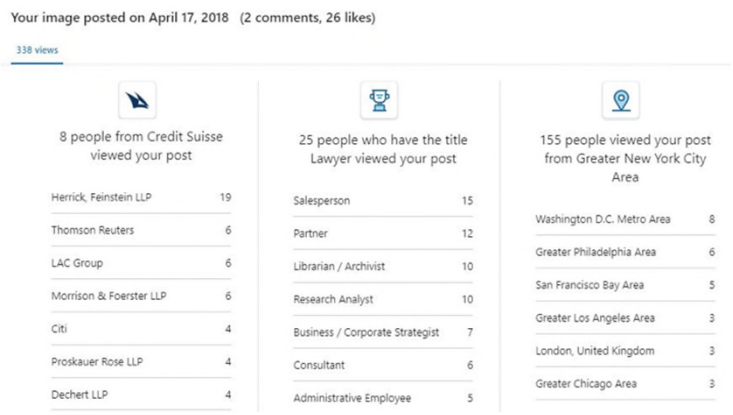
Profile



Postings/ Updates

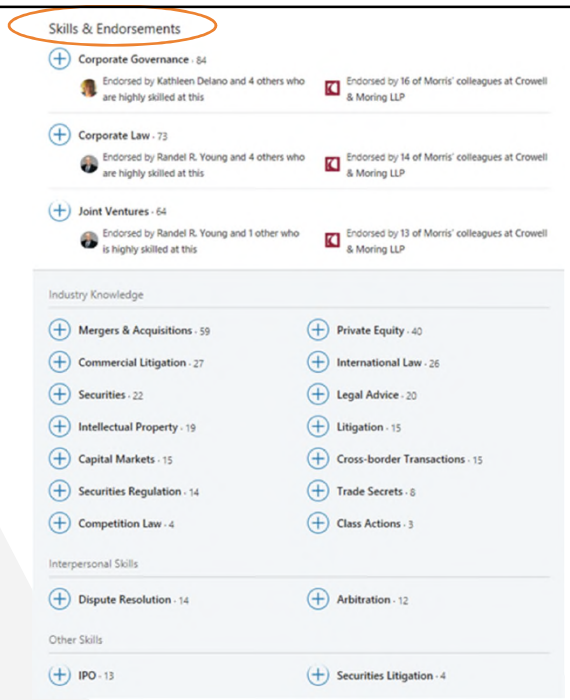


40

Increase quality of profile

- Skills, endorsements, & recommendations
- Contribute
- Congratulate

41



99+ gold standard

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Endorsing and Recommending

Recommending

1.This acts as a **reference** and can emphasize the things you are best at doing

2.Helps to build your validity with your prospects at a faster rate.

3.You have the ability to approve it before it is published to your profile

1.Be careful of quality over quantity.

2.Beware of proper recommendation etiquette: Give before you receive.

3. If you solicit recommendations, you have the potential of offending those contacts.

Endorsing

1. Endorsements can lead to the appearance that you are an expert in one or more areas.

2. Contacts can either endorse you on existing skills or recommend new skills for you to add.

3. The more you are endorsed for a particular quality the more likely you are to come up in related searches.

1. Endorsements do not require an explanation or examples.

2. Anyone can endorse you for any skill and the skills might not relate to your current role or target market.

3. If you are endorsed there may be an expectation that you endorse back.

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WARNING – Areas of possible problems

- Is listing skills a problem?
- Is allowing skills supplied by others to appear a problem?
- Is giving a recommendation a problem?
- Is receiving a recommendation a problem?
- Is allowing the recommendation to appear a problem?

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References

- Luckily for all of us LinkedIn changed the field name in 2013 from Specialties, which was problematic on its face as violating the rule prohibiting stating an area of specialization; then in January 2014 changed from Skills & Expertise to Skills & Endorsements.
- List of skills or displaying endorsements without more does not constitute attorney advertising New York City Bar Committee on Professional Ethics Opinion 2015-7 (Dec 2015)
- Philadelphia Bar Association Professional Guidance Committee Opinion 2012-8 concluded ok to list under Skills/Expertise however not under sub-categories which indicate that they are an expert in a particular practice area.
- New York County Lawyers Association 2015 Opinion 748 concluded that must treat profile as attorney advertising and include appropriate disclaimers. But New York City Bar Committee on Professional Ethics Opinion 2015-7 (Dec 2015) differs sharply and requires more to be considered advertisement that just inclusion of endorsements and would need to relate to lawyer's legal services as compared to writing/public speaking.

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New York State Bar Association Commercial & Federal Litigation Sections, Social Media Ethics Guidelines (May 11, 2017)

- Guidelines indicated that claiming certain skills require disclaimer even if skills are from those listed by LinkedIn because they constitute a statement "characterizing the quality of the lawyer's services" But NYCBA opinion states merely listing skills, displays endorsement/recommendations, and areas of practice without more, it does not constitute attorney advertising.
- Guideline 2.B – prohibited use of term specialist – can't include areas of practice that include term specialist. LinkedIn changed the heading to remove "Specialties" care must be taken to avoid claim of specialist. But listing of skills and practice areas under heading of Experience/Skills does not constitute by itself being a specialist.
- Guideline No. 2.C – responsible for posting by others if appears on their profile so must monitor and hide/remove content if violates the rules.
- Guideline No. 2.D – endorsements. Can't allow misleading endorsements or skills/expertise to remain on profile as that is tantamount to accepting the endorsement.

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- Allows endorsements but must control them by reviewing and confirming their accuracy periodically at reasonable intervals. New York County Lawyers Association 2015 Opinion 748 (March 10 2015)
- DC Bar Ethics Opinion 370: Social Media I: Marketing and Personal Use (Nov 2016) allows for client reviews but attorney must monitor, verify the accuracy, and correct/remove inaccurate information. Allows for skills and areas of practice.
- South Carolina Ethics Advisory Opinion 09-10 allowed endorsements on social media but have to control them as you are responsible for the content and should include appropriate disclaimer.

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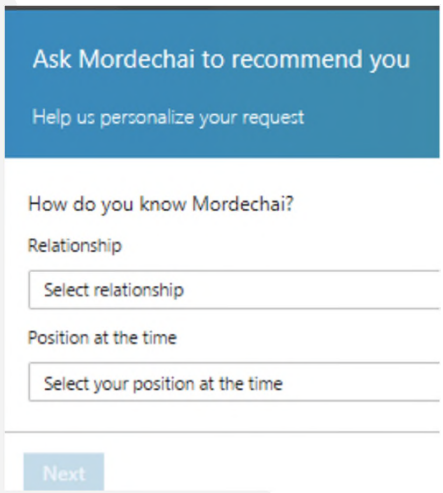
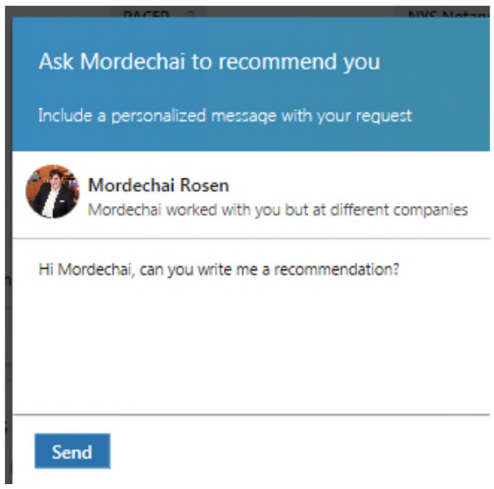
Getting Recommendations





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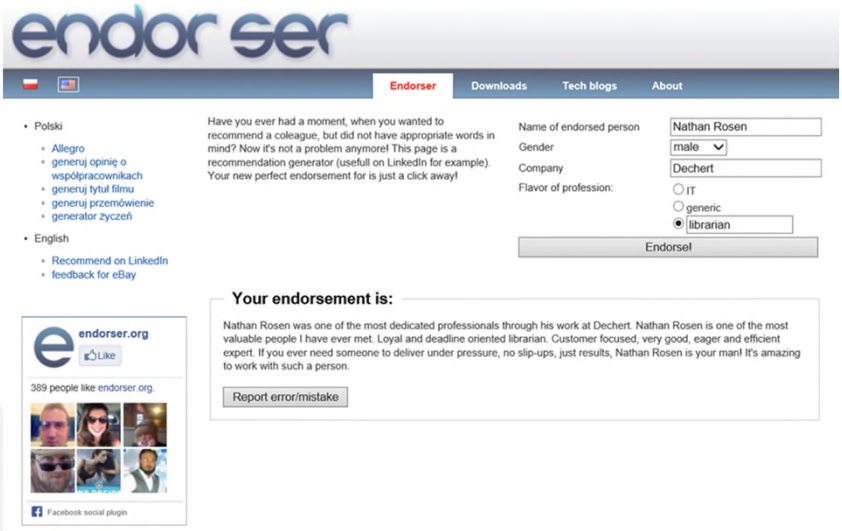
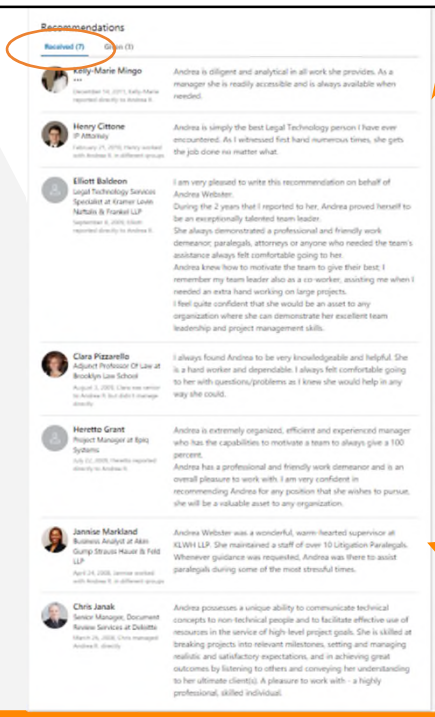
Writing Recommendations

Humorous value only



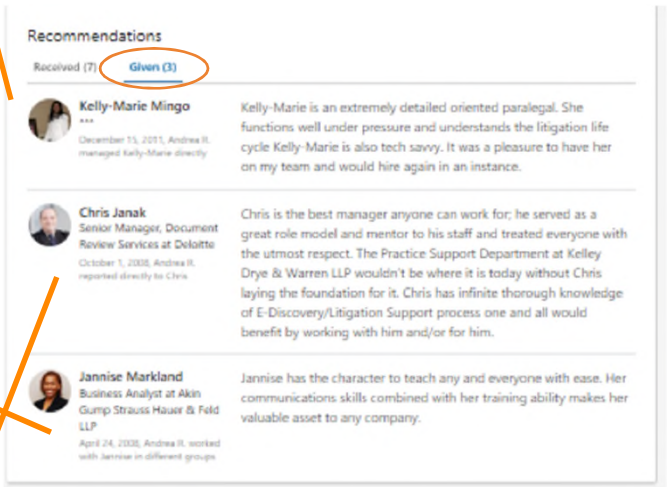
www.emdprser.org
currently not working

49



Possible practical trap

Cross - recommendations



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Contribute

- Give to get
- Comment on news, decisions, & articles
- Share insights from your work

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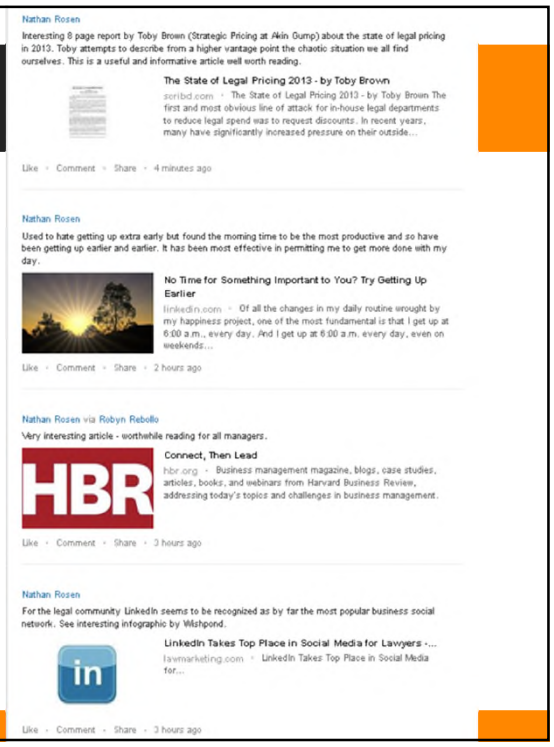
Update your status & contribute

Give to get!



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WARNING – Areas of possible problems

- Is the content posted a problem?
- Is the content providing legal advice?
- Is the content provided soliciting clients?

53

References

- New York State Bar Association Commercial & Federal Litigation Sections, Social Media Ethics Guidelines (May 11, 2017)
  - Guideline No. 2.E – positional conflicts. Avoid communicating positions on issues or legal developments that are inconsistent with those advanced on behalf of your clients or clients of the firm. See D.C. Bar Ethics Opinion 370 on Social Media I: Marketing and Personal Use (Nov. 2016).
  - Guideline 3.A – General information but no specific advice as do not want to create attorney-client relationship.
  - Guideline 3.B – Avoid live communication public solicitation
- Topical newsletters, client alerts, or blogs intended to educate about new developments not considered advertising but if provides information primarily about the lawyer or law firm then considered advertising.
- State Bar of California Standing Committee on Professional Responsibility and Conduct Formal Opinion 2012-186 posting of published articles itself is not communications considered attorney advertising. Opinion goes on to describe a number of situations where the communications on the social media site goes beyond to be considered attorney advertising.
- Might be advertising if lawyer forwards of disseminates a positive article written by others. But not if it simply described charitable activities or educational works. Educational programs are not attorney advertising unless go over and participants encouraged to retain lawyer.

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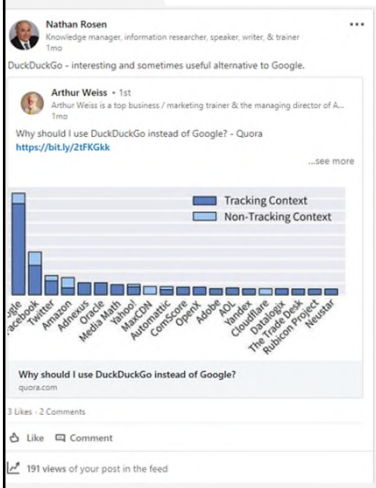

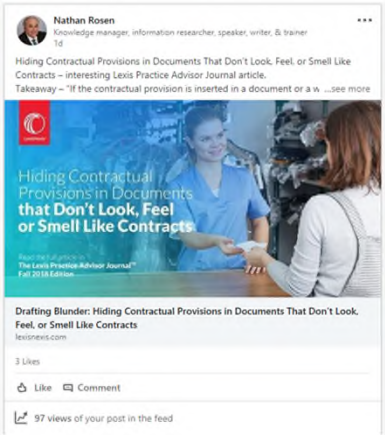

55

Congratulate

- Recognize successes
- Applaud accomplishments
- Cheer milestones

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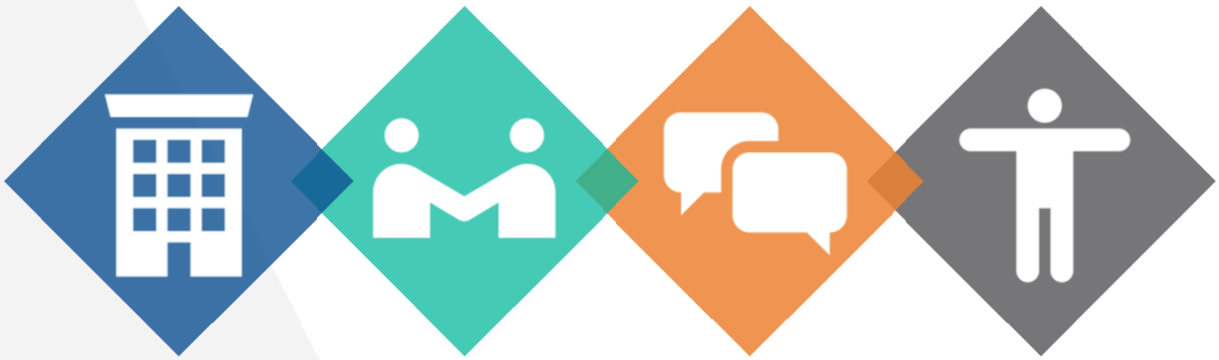
LinkedIn as a research tool



Companies | Current Employees | Past Employees | Individuals

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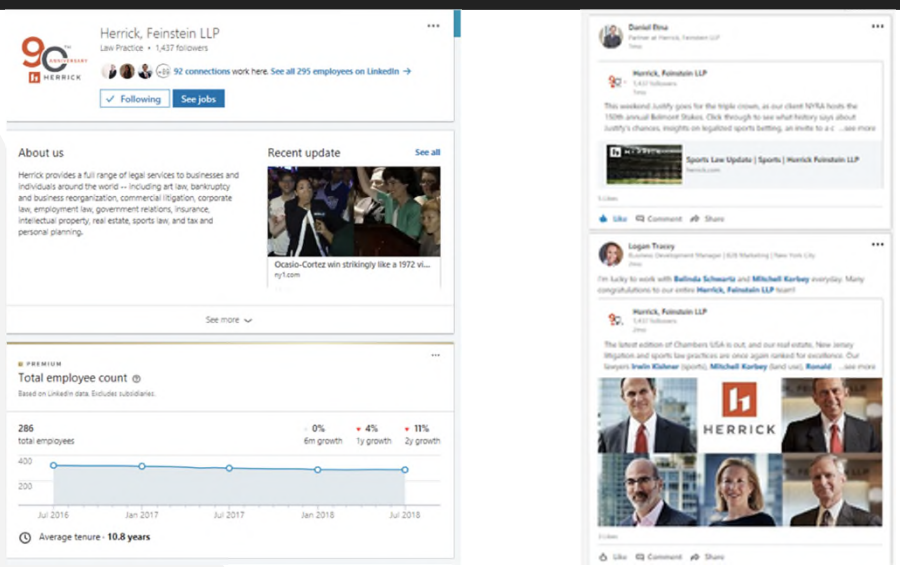
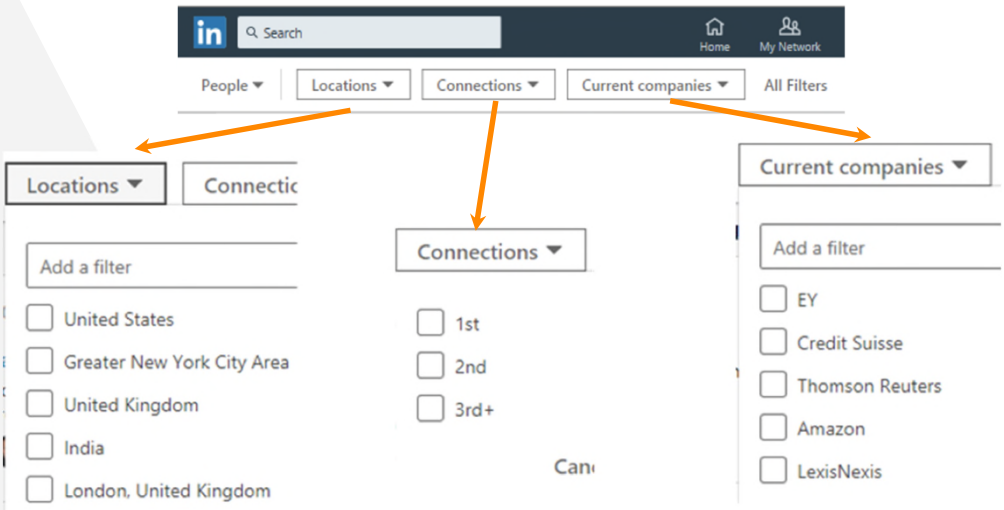
Learn about a company



58

Find people by searching



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Advanced search

All people filters

First name
Last name
Title
Company
School
Connections
1st
2nd
3rd+

Connections of
Add connection of

Locations
Add a location
United States
Greater New York City Area
United Kingdom
India
London, United Kingdom

Current companies
Add a company
Thomson Reuters
LexisNexis
Amazon
EY
Credit Suisse

Past companies
Add a company
Thomson Reuters
Credit Suisse
IBM
Citi
PwC

Industries
Add an industry
Information Services
Law Practice
Legal Services
Staffing and Recruiting
Financial Services

Profile language
English
Spanish
French
Portuguese
Italian

Nonprofit interests
Skilled Volunteering
Board Service

Schools
Add a school
Columbia University in the City of New York

60

Current employees at target that you know about

Showing 4 results

Janet Siegel • 1st
Program Attorney at Practising Law Institute
Greater New York City Area
Current: Program attorney at Practising Law Institute
10 shared connections

Alexa Robertson • 1st
Director, Library Relations & Electronic Publishing at Practising Law Institute
Greater New York City Area
Current: I lead a very dynamic... to develop the PLI...
102 shared connections

Pierre Gentin • 1st
Cahill Gordon & Reindel LLP; Wharton School of Business
Greater New York City Area
Current: Trustee; Co-Chair, Nominating and Governance Committee at Practising Law Institute (PLI)
108 shared connections

Richard Reiben • 1st
Senior Director, Membership Sales at Practising Law Institute (PLI)
Greater New York City Area
65 shared connections

Ex-employees at target that you know about

Showing 9 results

Allison Grillo • 1st
Library Assistant and Researcher at LAC Group – On-Site at Herrick, Feinstein LLP
Greater New York City Area
8 shared connections

Elisa Cho • 1st
News Editor, Research
Greater New York City Area
14 shared connections

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WARNING – Areas of possible problems

- Is looking at the person's LinkedIn profile a possible problem?
- Can you look at their profile and not let them know you have looked at their profile?

62

References

- Allowed lawyer access to public pages of social media as long as not employ deception or friend them. New York State Bar Association Committee on Professional Ethics, Formal Opinion 843 (Sept 10 2010) See also Oregon Formal Opinion NO 2013-189 (Feb. 2013).
- Can research prospective or sitting juror if no communication (initiated or automatic). See ABA Formal Opinion 466 (April 24, 2014) is more liberal as automatic noticing by the site is not considered to be communication. See also Colorado Bar Associations Ethics Committee Formal Opinion 127 (Nov. 2015).
- New York State Bar Association Commercial & Federal Litigation Sections, Social Media Ethics Guidelines (May 11, 2017).
  - UNCLEAR whether represented party's receipt of an automatic notification from social media platform constitutes an impermissible communication but might be based upon the opinions addressing jurors if attorney is aware that the person would receive such message or notification.

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Next steps

- Complete your profile – carefully and accurately
- Include a current photo – cropped headshot is best with a smile.
- Write a professional summary – Your headline at the top is important. Highlight experience.
- Look around to see what others in your field are doing.
- Include Keywords & Skills - Use words for which you want to be found and show up in search results.
- Contact Settings – List your availability: career opportunities, consulting offers, new ventures, job inquiries, and reference requests.

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Next steps

- Website Links – Link to Twitter, a personal blog, other social network profiles.
- Personal URL – Pick something you want to live with and include it in email signature.
- Grow your Network! – Find connections, fellow employees at previous employment, current coworkers, friends & members of all organizations that you are connected to.
- Consider recommendations & add skills – Weigh the pros vs cons. Consider waiting until more comfortable with Linkedin.
- Invest time every week – Build & maintain network. GIVE TO GET! Keep at it.

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New York State Bar Association Commercial & Federal Litigation Sections, Social Media Ethics Guidelines (May 11, 2017).

- Guideline 4.A – Acceptable to view public portion of a person's website, profile or posts as they have little expectation of privacy.
- Guideline 4.B – Contacting person to view restricted portion of profile. Must use full name and accurate profile. In NY you can not use deception but do not have to initially disclose the reason for request. But other states differ and may require additional information which must be provided or withdraw the request.
- Guideline 4.C – Contacted represented party or viewing restricted profiles. Rules different for represented party and so basically can't do so with express consent.
- Guideline 4.D – Use of agents to contact represented party. Lawyer cannot order or direct an agent to engage in specific conduct that if the attorney did would violate ethics rules.
- Guideline No 6.A – Juror/prospective juror researching allowed
- Guideline No 6.B – No communication with juror/prospective juror allowed because of viewing profile. Even inadvertent contact caused by automatic notice may be considered a technical ethics violation. BUT ABA Formal Opinion 466 goes the other way and indicated that it is NOT a communication if the juror/potential juror becomes aware that lawyer is reviewing profile. BUT NY guidance suggests that research should be done in a way that does not leave any footprint or notify the juror that they have been viewing their profile.
- Guideline No 6.C – Can't use deceit to review social media of juror/prospective juror
- Guideline No 6.D – No communication by lawyer during trial via the social media of juror/prospective juror

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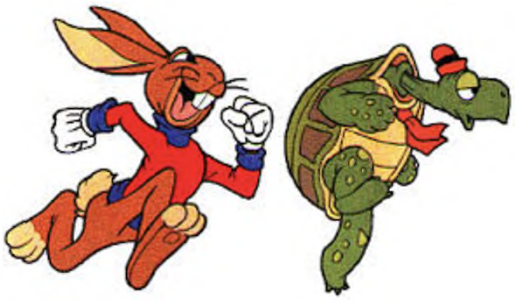
Commit to daily progress



Never forget that you have to always be careful & ever vigilant to proactively manage what is being said online.

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LinkedIn for Lawyers

What you need to know now

PLI PRACTISING LAW INSTITUTE

Nathan Aaron Rosen

October 17, 2018